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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91188120
Party	Defendant PURE Bioscience
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 77/498,929

Mark: NUTRIPURE

DRUGTECH CORPORATION,

Opposer,

v.

PURE Bioscience,

Applicant.

Opposition No.: 91188120

CONSENTED TO MOTION TO AMEND APPLICATION

The following amendment in the subject application is hereby requested. Pursuant to 37 C.F.R. Section 2.133(a), the opposing party consented to this amendment via an e-mail from its counsel, Lloyd Smith, on March 16, 2010. It is respectfully requested that the Trademark Trial and Appeal Board approve the amendment in accordance with 37 C.F.R. Section 2.133(a).

Please amend the identification of goods in Class 5 in Application Serial No. 77/498,929 to read:

All purpose disinfecting and deodorizing preparations; antimicrobial preservatives for cosmetics and pharmaceuticals; pharmaceuticals, namely, anti-infectives, excluding nutritional supplements.

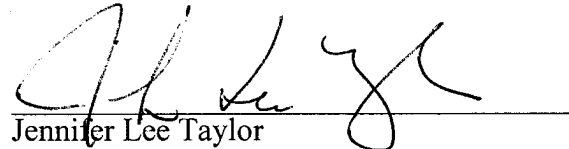
REMARKS

Amendment to the identification of goods is requested herein to clarify the identification, according to 37 C.F.R. Section 2.71(b). The identification of goods has not been broadened by this amendment and it is believed that the amendment does not require republication of the mark. The opposing party's consent to the amendment in accordance with 37 C.F.R. Section 2.133(a) has been obtained.

In view of the foregoing, approval of the amendment by the Board pursuant to 37 C.F.R.
Section 2.133(a) is believed appropriate.

Dated: March 18, 2010

By:


Jennifer Lee Taylor
Attorneys for Applicant
PURE Bioscience

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PROOF OF SERVICE BY MAIL

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on March 18, 2010, I served a copy of:

CONSENTED TO MOTION TO AMEND APPLICATION

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

**Lloyd Smith
Buchanan Ingersoll & Rooney
P.O. Box 1404
Alexandria, VA 22313-1404**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 18th day of March 2010.

Mary S. McDaniel
(typed)


(signature)